Point of order regarding answering of questions.

Mr. A. B. Salem.—Before we proceed with the next item of the day, I wish to raise a point of order. In one of the answers given by the Hon'ble Secretary to the Diwan, he says 'that sometimes we get questions which require a long time to answer, which require a lot of material to be gathered and so sometimes it is not possible to answer the questions at the next meeting that is held after the question is put'. I submit, under Rule 9 of the Cochin Legislative Council Regulation, the Secretary to the Diwan should not have made such a statement in the House. Under Rule 9 of the Legislative Council Rules which expressly lays down,—

President.—If he has made an unauthorised statement, he will withdraw.

Mr. A. B. Salem.—It is not an unauthorised statement. But in the face of the rule he should not have made such a statement. If he finds that the time is not sufficient for answering a question, he should apply to the President for an extension of time and the President may allow him time. The President has power to extend the time and he has also power to waive the rule of 12 days' notice, and allow a Member to ask a question with shorter notice; say, he may allow a question, to be put in the House itself, and if he once allows the question no further time can be claimed by the Government for answering it, unless the particular Head of the Department, or the Member to whom the question is asked, applies to the President for an extension of time and gets the extension. The rule is very clear on the point. Otherwise this rule of 12 days' notice is absolutely meaningless. Otherwise, if we put a question, you can give us the answer when the same is ready, and it will be of no use to us. The rule is very clear on the point. It says 'shall give to the Secretary to the Council.'

Mr. U. Kandar Menon.—It refers only to the period of notice to put questions.

Mr. A. B. Salem.—But here we find that the notice is 'before the date fixed for the meeting.' If questions are given with such notice, the presumption is that they should be answered.

Diwan Bahadur Dr. V. Verghese.—That is for a Member to put questions.

Mr. A. B. Salem.—The Member must give 12 days' notice. But then, the President in his discretion can allow a Member to put a question with shorter notice. If the President allows such a question, then the Government should give the answer during the meeting, unless the President passes an order that, that requires longer notice, or a request is made by the particular Department that some more time is necessary to answer the

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question or that the answer could not be given within 12 days. It will be out of order for the Government to say, that we will give the answer to you when it is ready, or when we prepare the answer or that we have not sufficient time to answer this question. All that contravenes the express provisions contained in the Rules.

President.—This rule refers to the rights of the Member to put a question; 12 days' time-limit is given to the Member within which time he must send it. Otherwise, it is open to the President to disallow the question. It is open to the President under special circumstances of the case to admit the question, and that alone this rule lays down; it does not refer to the answer to be given.

Mr. A. B. Salem.—It is the proviso to the rule that has reference to the answer. If the President does not extend the time for answering the question, the Member in charge of the Department or the Government is bound to answer the question at the end of the 12 days. Otherwise, what is the use of framing the rule?

Diwan Bahadur Dr. V. Verghese.—That does not matter. This rule has reference only to the notice to be given to questions.

Mr. A. B. Salem.—I do not want any medical opinion upon Law. (*Laughter.*)

Mr. V. K. Kochunni Menon.—The proviso says that the President may extend the time for giving the answer. The answer is given by the Government. The fact that a question has not been answered at the subsequent session implies that the President has extended the time for answering that question.

Mr. A. B. Salem.—In the proviso we find this 'extending the time for answering the question.' From this what we are to understand is, that the questions should be answered within 12 days. Otherwise there is no meaning for the term 'extension of time.' There is also a provision here that, on important and urgent matters a question may be asked with shorter notice and the President may allow the same. In Bombay and Madras questions are asked with short notice and telegraphic answers are given. That is a question with shorter notice. If the President allows such a question he will call for the answer and telegraphic answers are given. Here 12 days' notice is given. If the Head of a Department is not in a position to give the answer within such period, he must apply to the President for an extension of time. I do not think that he need put in an application for an extension of time. The President sends the question to the Diwan, the Diwan sends it to the Department concerned and the Departmental Head must answer the question

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within 12 days. If he could not do it, he must move the Diwan to move the President to extend the time. Otherwise this rule is absolutely meaningless.

President.—What is your opinion, Mr. V. K. Kochunni Menon; I did not catch you.

Mr. V. K. Kochunni Menon.—The rule is that 12 clear days' notice should be given by a Member for a question. This rule refers only to the Member who puts the question.

President.—But we find the terms 'if longer notice is required.' The Member must give 12 clear days' notice. The President may extend the time for answering the question. If a question has been admitted by the President, of course it is to be answered within 12 days. If the time is not enough, the President must be moved and the President may refuse or allow such request.

Mr. V. K. Kochunni Menon.—But then the fact that a question has not been answered shows that the time has been extended.

Mr. A. B. Salem.—The President must say that he has given an extension of time for answering a particular question.

President.—As you know, Mr. Salem, here the President is double-faced. The President can force the Government to answer the question or he may give an extension. As Diwan he will have to recommend to the President to give an extension of time.

Mr. C. A. Kunjunni Raja.—The difficulty arises this way. Under the rules existing in Madras and other British Councils questions are to be answered in the order in which they are entered.

President.—But I find there starred questions.

Mr. C. A. Kunjunni Raja.—Questions come under two categories, ordinary questions and starred questions. The answers of ordinary questions will be printed and placed on the Table. Only starred questions will be orally answered, and supplementary questions will generally be allowed only on starred questions.

President.—What is the explanation of the word 'longer notice'.

Mr. C. A. Kunjunni Raja.—Questions for which the length of notice is sufficient will be answered in their order. Sometimes the Government may require longer notice to collect the necessary information for the answers and they will ask the President in Council to give them longer notice. It is to provide for this contingency that this rule is incorporated in the British Councils. The very same rule has been incorporated here without copying the other part that answers to questions

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are to be given in the order of their entry, and a partial adoption has made the rule absurd.

President.—Where is the rul that the questions sh uld be answered in the order in which the are entered?

Mr. C. A. Kunjunni Raja —That is the absurdity of this rule of longer n tice. The rule is not here but it is in the rul s of every other Council as to the order in which questio s are to be answered. I went thr ugh the rules of the British Le gisl.tive Councils ex e t the Madras Rules and I find both the provisions there. Here a porti n of the rule is om tted.

Mr. U. Kandar Menon —There is no rule which says that answers should be given in 12 days. The statement that the President may extend the time for answering a question implies that it should be done within 12 days.

Mr. K. P. Kannan Nayar.—If Government were n t able to collect all the materials, they may decline to answer the question but then they should ask the President to extend the time for reasons of their own. The existence of this rule means that Government should answer the question within 12 days.

Mr. T. M. Krishna Menon.—There must be some time fixed in the rule; and nothing definitely is stated in the rule.

Mr. A. B. Salem.—It is fixed in the rules.

Mr. U. Kandar Menon.—The rule does not say that the answer should be given in 12 days.

President.—But then we must give a meaning to the expression in the proviso.

Mr. U. Kandar Menon.—I will suppose that it is meaningless. Assuming that, I say the Council will not be justified in saying that the questions should be answered within 12 days for there is nothing expressly stated to that effect.

President.—Sometimes facts are stated in express language and also by implication. But then the question is whether the expression raises to an implication that the questions should be answered within a certain number of days.

Mr. A. B. Salem.—It is why I think the Hon'ble Secretary to the Diwan is wrong, when he says that there is no rule which lays down that questions given with the 12 days' notice should be answered at the particular meeting for which notice has been given. There must be 12 clear days' notice before the day fixed for the meeting at which he desires to put that question. The ordinary interpretation of that rule is that he is going to ask that question at that meeting.

Diwan Bahadur Dr. V. Verghese.—That interpretation is not correct.

Mr. A. B. Salem.—Whenever I want his opinion, I shall ask him.

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President.—Mr. Salem, you should not say 'he.'

Mr. A. B. Salem.—I do not know who said that, and so I said 'he'. I did not mean anything.

Mr. A. Sankara Menon.—From a reading of Rule 9 and Standing Order 11 it will be seen that the word 'meeting' occurs both in Standing Order 11 as well as Rule 9. Therefore, the word 'meeting' must be taken to have reference to the sitting on a particular day. Therefore, the Member has to fix a day on which he will put the question, and the time, that elapses between the date on which he gives notice and the date on which he intends to put the question, must be not less than 12 days. I do not think any Hon'ble Member fixes a day of the session or meeting on which he wishes to put the question. The words invariably used are 'at the next meeting of the Council.' That is the reason why I pointed out that the word 'meeting' used in the Rule and in Standing Order 11 is used in a particular sense. It does not mean all the days during which the Council sits on a particular occasion. Therefore, Hon'ble Members have to particularise a day on which they are going to put the question. Otherwise it can be insisted that all the questions must be answered on the first day of the meeting. But if they particularise a day, it may be necessary to ask the President when a question is put to extend the time. If the Rules are taken as they are, the questions that are not answered may also have to be printed. If the Hon'ble Member relies on Rule 22, then also, when the questions have been printed and placed before the Council on the direction of the President and certain questions do not find a place therein, it must be taken that the time has been extended by the President.

Mr. A. B. Salem.—May I ask the Hon'ble Member to read Standing Order 11 again? Questions which have not been disallowed shall be entered in the list of questions for the day. According to the interpretation of the Hon'ble Law Member, I need give only one week's notice, if I am to put a question on the 6th day of the meeting.

President.—Then during the Budget Session if the question is to be put on the last day of the meeting, you need give only one day's notice.

Mr. A. B. Salem.—According to the interpretation of the Law Member it is so. It is quite right. But the questions shall be entered in the list.

Dr. A. R. Menon.—There is a practical difficulty. The question time allowed is only one hour and the number of questions sometimes may be 400 or 500. Now they want all these questions to be put together. Even now all the questions put

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on a particular day are not answered with all the supplementary questions. I do not know the legality of these things. From the point of view that all these questions are to be answered in one day, it practically tantamounts to saying that the non-official Members lose the chance of eliciting proper information from the Government side. From the practical point of view, apart from the 'shall' or the 'will' or the 'may'—I am not a lawyer—as laymen we are anxious that this power worth having in this Council should be retained. If there is one complaint here, it is the complaint that the number of questions answered in the paper is rather 'more' than less.

President.—We put 30 questions a day now.

Dr. A. R. Menon.—Even now we don't get the chance of putting supplementary questions to some of them. I know as a matter of fact my friend has sent about 70 questions for this session. He now says that all the 500 or 600 questions should be answered in one day.

Mr. A. B. Salem.—Nobody said that.

President.—You said that.

Mr. A. B. Salem.—It need not be answered.

President.—The question is about extension of time. That alone causes some difficulty.

Mr. Thomas Manjuran.—Then we shall get a list of questions.

President.—So far as the requesting of the President and the obtaining of permission is concerned, it is all formality.

Mr. A. B. Salem.—Even if the whole list is prepared, we can answer as many questions as we can on a particular day. There is no practical difficulty.

President.—Suppose there are 500 or 600 questions and you are able to answer, say, 300. With reference to those 200 remaining, is there any difficulty for you to put them together and send a requisition to the President stating we had no time to prepare answers for those questions and the time-limit may be extended?

Mr. U Kandar Menon.—There is no difficulty provided you will be pleased to allow the Secretariat work to fall into arrears.

President.—Then ask for some more clerks and get the staff increased.

There has been a full discussion and considerable light has been thrown on the subject. I don't think you want any answer.

Mr. A. B. Salem.—No. I only wanted to bring it forcibly to your notice.

Adjournment motion regarding Rikshaw strike (*contd.*).

President.—Question time is over. Now we shall consider the adjournment motion of Mr. T. K. Nayar about rikshaw-wallas. I was told that everything ended peacefully.

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